IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6792 OF 2000

Somling Honappa Dinnimani .. Petitioner.

Versus

The State of Maharashtra & Ors. .. Respondents.

Mr.Abhaykumar Apte for petitioner.
Mrs.M.P.Thakur, A.G.P. for State of Maharashtra.
Dr. B.S. Patil, Special District Social Welfare Officer present in person
Ms. Sarika M. Borkar, Law Officer, Divisional Caste Verification Committee, Pune present in person.

CORAM : SMT.RANJANA DESAI &

SMT.ROSHAN DALVI, JJ.

DATE : 5th December, 2007.

P.C.:

1. At the time when the father of the petitioner filed this petition, the petitioner was doing First Year Electronics Engineering Course under payment seat in S.T. General Quota. The petitioner belongs to "Hindu Devang" caste, which is covered under the category of the Special Backward Class. According to the petitioner, as per the policy adopted by the State of Maharashtra, some percentage of total number of seats is reserved for the category of the students of Special Backward Class.

2. The petitioner’s daughter’s admission for the above mentioned course was subject to confirmation upon

her producing Caste Validity Certificate within 12 weeks from the date of her provisional admission, failing which, her admission was to stand automatically cancelled, as per the letter dated 29th July, 2000 issued by the Principal of Walchand College of Engineering, Sangli - respondent No.4 herein.

3. The petitioner's daughter applied to respondent No.2 for verification of her caste claim. Respondent No.2 rejected the application of the petitioner's daughter on the ground that she was not a permanent resident of Maharashtra. The said order is challenged in this petition.

4. We have heard the learned counsel for the petitioner and also the learned A.G.P. for the State of Maharashtra. The learned A.G.P., on instructions states that respondent No.3 overlooked G.R. dated 24th August, 1995, which provides that the people belonging to other backward classes, coming from other States, who are residing in the State of Maharashtra prior to 1995 shall be considered to be the residents of Maharashtra. If that is so, in our opinion, it is necessary for respondent No.2 to examine the matter afresh in the light of the said Notification.

5. We, therefore, set aside the impugned order dated 8th November, 2006 and remand the matter to the relevant Authority i.e. Special District Social Welfare Officer, Kolhapur for consideration of the matter afresh in the light of the G.R. dated 24th August, 1995. The said Authority shall pass appropriate order independently and in accordance with law after hearing all concerned, if necessary. The entire exercise shall be conducted within a period of six weeks from the date of receipt of this order by the said Authority.

6. Petition is disposed off.

7. In view of the disposal of the petition, Civil Application No.778 of 2001 and 2244 of 2006 do not survive and the same are disposed off accordingly.

8. C.C. expedited.

(SMT.RANJANA DESAI, J.)

(SMT. ROSHAN DALVI, J.)